IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1936 OF 2007

Shri.Kanhaiyalal Motilal Talera ...Petitioner

V/s.

Smt.Sarubai Narayan Mulik & Anr. ...Respondents

Mr.Madhav Jamdar for Petitioner.
None for Respondents.

CORAM : V.M. KANADE, J.

DATED : 5th JULY, 2007.

P.C:-

1. Heard learned counsel for the Petitioner.

2. The Petitioner takes exception to the order passed by the District Judge, Pune rejecting transfer application filed by the Petitioner U/s.24 of Civil Procedure code.

3. It is alleged in the transfer application that the Trial Court refused to grant amendment and the Trial Court had expressed its desire to dispose of main suit. It is stated in the order that the application for amendment was rejected by the Trial Court though no

prayer was made to stay the suit since the Petitioner wanted to challenge the order of rejection of amendment application by filing writ petition in this Court. The Trial Court refused to grant stay to the suit. In the application, apprehension has been expressed by the Petitioner that he is not likely to get justice before the said Court. It is also stated that Petitioner had learnt that all the Special Civil Suits and Specific Performance Suits for the year 1994 to 1996 pending before the court of Hon'ble Shri.V.D. Pise had been transferred to the other court. It is stated that in spite of that, case was kept before the same court. It is alleged that that the Trial Court is determined to proceed with the suit in haste. Though other cases have been transfered from the court of Hon'ble Shri.V.D. Pise, this particular case had been retained with the Judge by the District Judge by an administrative order. It is also mentioned in the order that this Court had directed that Trial Court shall expeditiously decide the suit and in spite of this Court's direction, the Petitioner was seeking adjournment on various pretexts. District Court therefore, observed that the Petitioner was trying to protract hearing of the suit.

4. I do not see any reason to interfere with the order passed by the District Court. No case is made out for interference with the impugned order while exercising writ jurisdiction under Article 227 of Constitution of India.

. Petition is, accordingly, dismissed.

V.M. KANADE, J.